

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BEVERLY ZIMMERMAN, et al.,

Plaintiffs,

Case No. 1:17-cv-01062-JTN-ESC

v.

Hon. Janet T. Neff

THE 3M COMPANY, et al.,

Defendants.

**UNOPPOSED MOTION OF THE 3M COMPANY, WASTE MANAGEMENT, INC. AND
WASTE MANAGEMENT OF MICHIGAN, INC. TO MODIFY APRIL 12, 2018 ORDER**

Defendants The 3M Company (“3M”), Waste Management, Inc. (“WMI”),¹ and Waste Management of Michigan, Inc. (“WMMI”) (collectively, “Movants”), by their respective attorneys, jointly move for modification of the Court’s April 12, 2018 Order (“Order”) to (1) permit Movants to respond to any motion challenging jurisdiction under the Class Action Fairness Act (“CAFA”) filed pursuant to the Order, and (2) extend from 14 to 21 days the time for all defendants to respond to the Complaint if the Court does not dismiss the case upon resolving the CAFA jurisdiction issue, commensurate with the time provided under the Order for defendants to refile their pre-motion conference requests.

In support of this motion, Movants state as follows:

1. The Court issued the Order after the status conference held on April 11, 2018.

(RE 41, 42.)

¹ WMI joins in this motion subject and without prejudice to its intent and right to seek dismissal of the Complaint for lack of personal jurisdiction, which relief it will seek should the Court retain jurisdiction under CAFA.

2. The Order provides, among other things, for defendant Wolverine World Wide, Inc. (“Wolverine”) to file a motion and brief regarding CAFA jurisdiction under 28 U.S.C. § 1332(d)(4)(a) and potentially (d)(3), and for Plaintiffs to respond within 28 days thereafter. No briefing right is provided for Movants.

3. While Wolverine expressed a willingness at the status conference to file a motion challenging CAFA jurisdiction, Movants did not. After reviewing Wolverine’s motion, one or all Movants may wish to respond to the motion.

4. In addition, the Order grants all defendants fourteen (14) days after the Court’s jurisdiction decision to file answers/responsive pleadings to Plaintiffs’ Complaint, but it also grants defendants twenty-one (21) days after such decision to re-file their pre-motion conference requests. Thus, the Order creates the potential situation where defendants’ answers/responsive pleadings are due seven (7) days earlier than defendants’ re-filed pre-motion conference requests.

5. If the Court resolves the CAFA jurisdiction issues in favor of retaining the case, Defendants would re-file their respective pre-motion conference requests. In accordance with the Court’s Information and Guidelines for Civil Practice, Movants will be required to concurrently file with their re-filed pre-motion conference requests motions for extension of time to answer the Complaint. (Guidelines, IV.A.1.d.) Accordingly, Movants request that the Order be modified so that defendants’ time to respond to the Complaint and to re-file their pre-motion conference requests are both set to twenty-one (21) days after the Court has resolved the CAFA jurisdiction issues.

6. Pursuant to W.D. Mich. LCivR. 7.1(d), counsel for the Movants requested concurrence from counsel for all parties, and no party opposes the relief requested herein.

WHEREFORE, Movants request that this Court modify the Order to:

- (1) Permit 3M, WMI and WMMI to respond² within 28 days to any motion filed under the Order challenging jurisdiction under CAFA;
- (2) Extend the time for all defendants to answer the Complaint to twenty-one (21) days after the Court has resolved the CAFA jurisdiction issues, commensurate with the time provided for defendants to refile their pre-motion conference requests; and
- (3) Grant such further relief as the Court deems just.

DATED: April 25, 2018

Respectfully submitted,

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² Any response by WMI would be subject and without prejudice to its right to seek dismissal for lack of personal jurisdiction.

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